

### **REMARKS**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

#### **I. Status of the Claims**

Claims 2, 3, 4, 5, 6, 9 and 10 have been amended and no new matter has been added.

Claims 1 and 8 have been canceled without prejudice or disclaimer of the subject matter therein.

Claims 2 and 9 have been amended into independent form.

Claims 2, 3, 4, 5, 6, 7, 9, 10 and 11 are currently pending.

#### **II. Allowable Subject Matter**

Applicants thank the Examiner for the acknowledgement of allowable subject matter in claims 2, 7 and 9. The claims are objected to as depending upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 2 and 9 have been amended and are now in independent form. Further, claims 4, 5, 6, and 10 have been amended to depend from claim 2 and are also in condition for allowance. No new matter has been added.

#### **III. Rejections Under 35 U.S.C. § 112**

Claims 3 and 9 are rejected under 35 U.S.C. § 112, second paragraph as indefinite. Applicants have amended the claims to include that the draft is from "a final heat treatment." Support for this amendment is in the Specification on page 13, lines 11-15. Applicants submit that the claims are definite and respectfully request that the rejection be withdrawn.

Claims 1, 4-6, 8, and 10-11 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,033,787 to Nagase et al. Applicants have canceled claims 1 and 8, rendering the rejection moot. Claims 4-6 and 10-11 have been amended to depend from allowable claim 2 and Nagase et al. does not disclose all of the elements of amended claim 2. Applicants respectfully request that the rejection to claims 4-6 and 10-11 be withdrawn.

Claims 1, 5, 6, and 10-11 are rejected under judicially created obviousness-type double patenting over claims 1-2, 5-7, and 9 of U.S. Patent No. 6,033,787. Claims 1, 5, 6, and 10-11 are rejected under judicially created provisional obviousness-type double patenting over claims 1-4 of copending Application Serial No. 10/343,857. Applicants have canceled claim 1 and amended claims 5, 6, and 10-11 to depend on allowable claim 2. Applicants respectfully submit that the Double Patenting rejection has been overcome and the claims are in condition for allowance.

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: February 13, 2006

By Louis J. DeLuca  
Louis J. DeLuca  
Registration No.: 47,522  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant